United Nations A/C.6/63/2

General Assembly

Distr.: General
9 October 2008

Original: English

Sixty-third session
Sixth Committee
Agenda item 79
The rule of law at the national and international levels

Letter dated 24 September 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instruction from my Government, I have the honour to transmit herewith a note verbale dated 5 August 2008 from the Ministry of Foreign Affairs of the Islamic Republic of Iran to the United States Interests Section in Tehran (see annex), regarding the adoption and enforcement of domestic legislations in the United States of America that contravene international law by violating the immunity of the Islamic Republic of Iran and its property.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 79.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

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Annex to the letter dated 24 September 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of Switzerland, Interests Section of the United States of America, and has the honour to state the following.

According to publicly available information, the United States has adopted legislations which clearly and extensively violate the sovereign immunity of the Government of the Islamic Republic of Iran and enable courts in the United States to issue legal verdicts against the Islamic Republic of Iran on the basis of unfounded allegations. These domestic United States legislations intend to impair trade relations between the Islamic Republic of Iran and third parties, and disregard the immunity of the properties of the Islamic Republic of Iran from execution. It is evident that the adoption and enforcement of these legislations are in breach of international law and international obligations of the United States, including the Algiers Declaration, as well as the peremptory norms of international law as embodied in the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. In this regard, we draw your attention to the United Nations Convention on Jurisdictional Immunities of States and Their Properties, a major part of which is regarded as the customary rules of international law.

On the basis of the same legislations, United States courts have issued default judgments without observing the standards of human rights. Furthermore, certain measures have been taken with the predetermined aim of, inter alia, restraining and appropriating the immune properties. These measures are in violation of the United States' obligations under treaty as well as customary international law. This course of action puts the legislative and judicial system of the United States in direct contradiction with international law and the United States commitments, and, while adding to mutual distrust, escalates international problems.

It would therefore be appreciated if you would communicate to the relevant officials of the United States of America the strong protest and deep concern of the Government of the Islamic Republic of Iran, and remind them of their responsibility for compensating any material or other damages inflicted upon the Islamic Republic of Iran. The Government of the Islamic Republic of Iran reserves its right to pursue this issue and protect its rights and interests as well as those of its nationals in an appropriate manner.

The Ministry of Foreign Affairs of the Islamic Republic of Iran avails itself of this opportunity to assure the Embassy of Switzerland, Interests Section of the United States of America, of its highest considerations.